

**UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

IN RE: **Margaret Ann Rios**

Case No.

Debtor(s)

Chapter 13 Proceeding

DEBTOR(S)' CHAPTER 13 PLAN ☐ **AMENDED**
AND MOTIONS FOR VALUATION AND LIEN AVOIDANCE

Plan Summary

- A. The Debtor's Plan Payment is scheduled at \$196.00 Monthly ☒ Pay Order, ☐ Direct Pay for 60 months. The gross amount to be paid into the plan is \$11,760.00.
- B. The Plan proposes to pay all allowed priority, special class and secured claims and approximately 1% of the unsecured allowed claims. THIS PLAN DOES NOT ALLOW CLAIMS. You must file a proof of claim to receive distributions under any plan. Other than adequate protection payments, disbursements will begin after entry of an order of confirmation of the plan.
- C. Value of non-exempt assets \$1.00.
- D. Current monthly income \$1,259.02, - expenses \$1,063.02 = available for Plan \$196.00.
- E. The total amount to be paid into the Plan shall be increased for tax refunds as set forth in the Standing Order for Chapter 13 Case Administration in this Division. These additional receipts shall be disbursed according to the provisions of the Plan. IRS or Debtor(s) are directed to forward refund to the Trustee.

Special Plan Provisions

Ratification of Security Agreements

Except as otherwise provided herein, secured creditors' security agreements are ratified and remedies upon default may be exercised upon the granting of an order conditioning the stay.

Authorization for Sale of Exempt Property

Exempt property may be sold by the Debtor at any time after confirmation without further order of this Court. All valid liens, claims, or encumbrances shall attach the proceeds of such sale. Proceeds from the sale of exempt property may be paid directly to the Debtor.

Debtor's Direct Communications With Creditors

Creditors whose claims are scheduled to be paid directly by the debtor, including creditors with claims secured by real property and vehicles, are authorized to send monthly statements to the debtors.

Creditors whose claims are scheduled to be paid directly by the debtor are authorized to communicate directly with the debtor if the debtor has questions about their monthly payments, escrow accounts, account balances, increases in monthly payments, or other routine customer service inquiries.

Attorneys Fee Disbursement

To the extent funds are available for distribution the Attorney's fees will be paid in the following manner: \$115.00 for the first disbursement following confirmation, and then \$115.00 per month thereafter.

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Continuation Sheet # 1

Ratification of Interim Disbursements

Interim disbursements made to secured creditors whose claims are secured by collateral being surrendered under this plan are hereby ratified. Interim disbursements constitute adequate protection payments required to be made under this plan and shall be credited against the secured claim. Absent further order of the court, secured creditors who have received interim disbursements from the Trustee shall not be required to refund the money received and the Trustee shall not be required to and is not authorized to make demand for reimbursement of interim disbursements made prior to confirmation.

Plan Provisions**I. Vesting of Estate Property**

Upon confirmation of the plan, all property of the estate shall vest in the Debtor(s), and shall not remain as property of the estate subject to the automatic stay of 11 U.S.C. §362.

II. Executory Contracts/Unexpired Leases/Contracts for Deed

Pursuant to 11 U.S.C. § 1322(b)(7) of the Bankruptcy Code, the Debtor(s) hereby elects to assume the following executory contracts, if any:

Creditor Name	Description of Contract	Election	In Default
Asbury Place Apts	Apartment lease: 1350 Wonder World, #101 San Marcos, TX 78666	Assumed	No
Fred E. Walker, P.C.	Attorney Client Agreement	Assumed	No

Pursuant to 11 U.S.C. § 1322(b)(7) of the Bankruptcy Code, the Debtor(s) hereby elects to reject the following executory contracts, if any:

Creditor Name	Description of Contract	Election	In Default
(None)			

III. Specific Treatment for Payment of Allowed Claims**1. DIRECT PAYMENTS BY DEBTOR TO CREDITORS; SURRENDER OF COLLATERAL**

A. Debtor shall pay the following creditors directly:

Creditor Name	Remarks	Debt Amount	Monthly Payment
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B. Debtor shall surrender the following collateral:

Creditor Name / Collateral Surrendered	In Full Satisfaction (Yes/No)	Debt Amount
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Continuation Sheet # 2

C. Creditor's Direct Communication With Debtors

Creditors whose claims are scheduled to be paid directly by the debtor(s), including creditors with claims secured by real property or vehicles, are authorized to send monthly statements to the debtor(s). They are also authorized to communicate directly with the debtor(s) in response to a debtor's questions about monthly payments, escrow accounts, account balances, increases in monthly payments, and other routine customer service inquiries.

2. PAYMENTS BY TRUSTEE**A. Administrative Expenses (including Attorney's fees)**

The Trustee may receive up to 10% of all sums disbursed, except on any funds returned to the debtor.

Creditor	Estimated Amount of Debt	Monthly Payment Amount	
Fred E. Walker, P.C.	\$3,200.00	Month(s) 1-27	\$115.00
		Month(s) 28-28	\$95.00

B. Ongoing Mortgage Payments

The Trustee shall pay all post-petition monthly mortgage payments on claims against real property that were delinquent on the petition date ("Ongoing Mortgage Payments"). The Ongoing Mortgage Payments will be in the amount stated in the allowed proof of claim or as fixed by Court order. If the debtor makes a Plan payment that is insufficient for the Trustee to disburse all Ongoing Mortgage Payments required below, such payments will be disbursed in the order listed below. The Trustee shall hold debtor payments until a sufficient amount is received to make a full Ongoing Mortgage Payment. The debtor shall provide to the Trustee all notices received from Mortgage Creditors including statements, payment coupons, impound and escrow notices, default notifications, and notices concerning changes of the interest rate on variable interest rate loans. The automatic stay is modified to permit Mortgage Creditors to issue such notices. Changes to the monthly Ongoing Mortgage Payment or the addition of post-petition mortgage fees and charges shall be effectuated pursuant to the *Standing Order Relating to Ongoing Mortgage Payments in Chapter 13 Cases in the Austin Division*.

Mortgage Creditor / Property Address	Monthly Mortgage Payment (proof of claim controls)	Monthly Late Charge	Interest Rate	Payment Due Date	Paid by Trustee OR Paid Direct by Debtor (select one)
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C. Secured Claims - Mortgage Arrearage, Real Property

The Plan will cure pre-petition arrearage claims pursuant to the payment schedule set forth below. The allowed arrearage claim will be the amount of the allowed proof of claim or as fixed by court order.

Creditor / Property Address / Description of Collateral	Estimated Claim	Mo. Pmt or Method of Disbursement	Interest Rate (if applicable)	Other Remarks
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Continuation Sheet # 3

D. Secured Claims - Personal Property; Adequate Protection Payments; MOTIONS TO VALUE COLLATERAL

The Trustee shall pay allowed secured claims, which require the filing of a proof of claim, to the extent of the value of the collateral or the full amount of the claim, as specified below, plus interest thereon at the rate specified in this Plan. FAILURE OF THE SECURED CREDITOR TO OBJECT TO THE PROPOSED VALUE WILL BE DEEMED ACCEPTANCE OF THE PLAN UNDER SECTION 1325(a)(5)(A). Except for secured claims for which provision is made to pay the full amount of the claim notwithstanding the value of the collateral, the portion of any allowed claim that exceeds the value of the collateral shall be treated as an unsecured claim under Section III(2)(F).

In the first disbursement following the filing of a claim by a creditor holding an allowed claim secured by personal property, the Trustee shall commence making adequate protection payments in the amount set out below, unless otherwise ordered by the Court. Such payments shall cease upon confirmation of the plan.

Creditor/Collateral	Adequate Protection Payment	Other Treatment/Remarks
Hsbc Best Buy Computer	\$3.75	
Randolph Brooks Federal Credit 2005 Chevrolet Malibu	\$58.15	

The Debtor moves to value collateral described below in the amounts indicated. The Debtor(s) declares, under penalty of perjury, that the foregoing values as stated in the above Motion and the Plan for the secured debt are true and correct and to the best of their knowledge represent the replacement value, pursuant to Section 506(a)(2), of the assets held for collateral.

/s/ Margaret Ann Rios

Margaret Ann Rios, Debtor

Objections to Valuation of collateral proposed by this plan must be filed no later than ten (10) days prior to the confirmation hearing date. If no timely objection is filed, the relief requested may be granted in conjunction with confirmation of the plan. Following confirmation of the plan, monthly payments shall be made as follows:

Creditor / Collateral	Est. Claim	Value of Collateral	Monthly Payment	Interest Rate	Pay Value of Collateral (OR) Pay Full Amount of Claim (select one)
Hsbc Best Buy Computer	\$1,027.00	\$400.00	Pro-Rata	5.25%	Pay Value of Collateral
Randolph Brooks Federal Credit 2005 Chevrolet Malibu	\$5,814.92	\$6,812.50	Pro-Rata	5.25%	Pay Full Amount of Claim

Secured creditors shall retain their liens on the collateral which is security for their claims until the earlier of the payment of the underlying debt determined under non-bankruptcy law, or discharge under 11 U.S.C. Section 1328. In addition, if this case is dismissed or converted without completion of the plan, such liens shall also be retained by the creditors to the extent recognized by applicable non-bankruptcy law.

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Continuation Sheet # 4

E. Priority Creditors

Creditor	Estimated Amount of Debt	Payment Method	Remarks
		1. Before 2. After 3. Along With Secured Creditors	

F. General Unsecured Creditors, [including claims from rejection of contracts, leases and contracts for deed]. Unless otherwise provided below, payments to creditors with allowed general unsecured claims shall be made on a pro rata basis as funds become available after payment of other creditors. It is estimated that distribution to the general unsecured creditors will commence in the 60th month of the Plan.

G. Cure claims on Assumed Executory Contracts, Contracts for Deed & Leases:

Creditor	Estimated Amount of Debt	Monthly Payment or Method of Disbursement	Remarks
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Totals:

Administrative Claims	<u>\$3,200.00</u>
Arrearage Claims	<u>\$0.00</u>
Secured Claims	<u>\$6,214.92</u>
Priority Claims	<u>\$0.00</u>
Unsecured Claims	<u>\$15,960.04</u>
Cure Claims	<u>\$0.00</u>

H. Supplemental Plan Provisions**(a) MOTION TO AVOID LIENS UNDER 11 U.S.C. § 522(f)**

Debtor moves to avoid the following liens that impair exemptions. Objections to Lien Avoidance as proposed in this plan must be filed no later than ten (10) days prior to the confirmation hearing date. If no timely objection is filed, the relief requested may be granted in conjunction with confirmation of the plan. (Debtor must list the specific exempt property said lien impairs and the basis of the lien, i.e. judicial, nonpurchase-money security interest, etc.)

Creditor / Property subject to lien	Amount of Lien to be Avoided	Remarks
Plaza Financial television, dvd player.	\$925.00	
Regional Finance computer, printer, tools, television	\$94.00	
Sun Loan #191 microwave	\$426.00	

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Continuation Sheet # 5

IV. General Information

NOTICE: Local Rule 3002 provides, in part:

"Every Creditor filing a Proof of Claim in all cases shall transmit a copy with attachments, if any, to the Debtor's Attorney (or the Debtor if the Debtor is pro se) and the Trustee appointed in the case."

Any special concerns of a creditor may justify attendance at the Meeting of Creditors and such other action as may be appropriate under the circumstances. The deadline for the filing of objections to confirmation is ten days prior to the confirmation hearing.

Respectfully submitted this date: **09/28/2010**.

/s/ Margaret Ann Rios

Margaret Ann Rios
1350 Wonder World, #101
San Marcos, TX 78666
(Debtor)

/s/ Kimberly L. Nash

Kimberly L. Nash
609 Castle Ridge Road
Suite 220
Austin, TX 78746
Phone: (512) 330-9977 / Fax: (512) 330-1686
(Attorney for Debtor)

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CASE NO.

CHAPTER 13

Joint Debtor

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that on September 28, 2010, a copy of the attached Chapter 13 Plan, with any attachments, was served on each party in interest listed below, by placing each copy in an envelope properly addressed, postage fully prepaid in compliance with Local Rule 9013 (g).

/s/ Kimberly L. Nash

Kimberly L. Nash
Bar ID:24043840
Fred E. Walker, P.C.
609 Castle Ridge Road
Suite 220
Austin, TX 78746
(512) 330-9977

Account Control Systems, Inc
xxx-xx-5952
256 Livingston St. 2nd Fl
Northvale, NJ 07647

Arrow Financial Services
xxx-xx-5952
5996 West Touhy Ave.
Niles, IL 60714

Capital One
xxxxxxxxxxxx7792
C/O American Infosource
PO Box 54529
Oklahoma City, OK 73154

Ace
xxxxxxxxxxxx1-001
1231 Greenway Drive, Ste. 600
Irving, TX 75038

Asbury Place Apts
1350 Wonder World, #101
San Marcos, TX 78667

Cash Box Pawn
xxx1454
1515 Aquarena Springs
San Marcos, TX 78666

Ace Cash Express
xxxxxxxxxxxx1-001
1200 Hwy 80, #104
San Marcos, TX 78666

Banner Financial
xxx6332
211 W. San Antonio
San Marcos, TX 78666

Central Texas Medical Center
xxx-xx-5952
P.O. Box 951558
Dallas, Texas 75395-1558

Advance America
xxxxxxx0521
909-B State Hwy 80
San Marcos, TX 78666

Capital Emergency Associates
xxx-xx-5952
PO Box 96118
Oklahoma City, OK 73143-6118

Check N Go
xxxx0504
1023 E. State Hwy 80, Ste 119
San Marcos, TX 78666

**UNITED STATES BANKRUPTCY COURT
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IN RE: Margaret Ann Rios

Debtor

CASE NO.

CHAPTER 13

Joint Debtor

CERTIFICATE OF SERVICE

(Continuation Sheet #1)

Credit Collection Services
xxx-xx-5952
Two Wells Avenue
Dept. 9134
Newton, MA 02459

First Cash Advance
xxxx4978
1101 Thorpe Lane, Ste. A
San Marcos, TX 78666

Hsbc Best Buy
xxxxxxxxxxxx2855
Attn: Bankruptcy
PO Box 5263
Carol Stream, IL 60197

Credit One Bank
xxxxxxxxxxxx1950
Po Box 98872
Las Vegas, NV 89193

First Premier Bank
xxxxiple
601 S Minnesota Ave
Sioux Falls, SD 57104

IC System, Inc.
xxx-xx-5952
444 Hwy. 96 East
P.O. Box 64887
St. Paul, MN 55164-0887

Credit Protection Association, L.P.
xxx-xx-5952
PO Box 802068
Dallas TX 75380

First Source Advantage
xxx-xx-5952
205 Bryant Woods South
Amherst, New York 14228-3609

Integrity Funding
xxxx0369
84 Villa Road
Greenville, SC 29615

Deborah B. Langehennig
Chapter 13 Trustee
3801 Capital of TX Hwy. So. Ste. 320
Austin, TX 78704

Ginny's Inc.
xxxxxxx8630
1112 7th Ave
Monroe, WI
53566

Kevin B Wilson
xxx-xx-5952
PO Box 24103
Chattanooga, TN 37422

EZ Money
xxx6331
1404 Clarewood Drive, Ste. 110
San Marcos, TX 78666

Grant Konvalinka and Harrison
xxx-xx-5952
PO Box 24326
Chattanooga, TN 37422

Loan Express Co
xxx-xx-5952
120 W San Antonio
San Marcos, TX 78666

Figi's Inc
xxxxx4903
3200 S Central Ave
Marshfield, WI 54449

Hill Country Emergency Physicians
xxx-xx-5952
Central Texas Medical Center
P.O. Box 2283
Mansfield, TX 76063-0047

Margaret Ann Rios
Box 1929
San Marcos, TX 78667

Financial Control Services
xxxxxxxxxxxx0363
6801 Sanger Ave Ste 195
Waco, TX 76710

Hsbc Bank
xxxxxxxxxxxx3376
ATTN: BANKRUPTCY
PO BOX 5213
Carol Stream, IL 60197

Master Financial
1206
2121 E. Oltorf St, Ste 8
Austin, TX 78741

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CHAPTER 13

Joint Debtor

CERTIFICATE OF SERVICE

(Continuation Sheet #2)

Medical Business Bureau
xxxxxxxxxxxx1205
1460 Renaissance Dr
Park Ridge, IL 60068

National Pawn
xxx4563
1420 S. IH-35
San Marcos, TX 78666

P&B Capital Group, LLC
xxx-xx-5952
461 Ellicott St 3rd Floor
Buffalo, NY 14203

Merchants Credit Guide
xxxxxx4081
223 W Jackson St
Chicago, IL 60606

NCO Financial Svcs, Inc.
xxx-xx-5952
PO Box 15110
Wilmington, DE 19850-5110

Plaza Financial
xxxx5722
26254 1h West
Boerne, TX 78006

Merchants Credit Guide
xxxxxx2555
223 W Jackson St
Chicago, IL 60606

NCP Finance Limited Partnership
xxxxxxx/xxxx0504
100 East Third Street, 5th Floor
Dayton, OH 45402

Randolph Brooks Federal Credit Union
xxxx0369
PO Box 2097
Universal City, TX 78148-2097

Merchants Credit Guide
xxxxxx1083
223 W Jackson St
Chicago, IL 60606

NCP Finance Limited Partnership
100 East Third Street, 5th Floor
Dayton, OH 45402

Regional Finance
xxx-xx-5952
206 W, San Antonio, Ste B
San Marcos, TX 78666

Midnight Velvet
xxxxxxx855O
Swiss Colony Midnight Velvet
1112 7th Ave
Monroe, WI 53566

North American
xxxxx4306
2810 Walker Rd
Chattanooga, TN 37421

Ronnie Riley
xxx1454
Box 91
Krum, TX 76249

NACS
xxx-xx-5952
PO box 18221
Chattanooga, TN 37422

Northland Group, Inc.
xxx-xx-5952
Box 390905
Edina, MN 55439

Service Loan
171 South LBJ Drive
San Marcos, Texas 78666

National CSO Loan Corp
xxx4563
1420 S. IH - 35
San Marcos, TX 78666

Omni Credit Services of Florida Inc.
P.O. Box 23381
Tampa, FL 33626

Seventh Avenue
xxxxxxx863O
1112 7th Ave
Monroe, WI 53566

UNITED STATES BANKRUPTCY COURT
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CASE NO.

CHAPTER 13

Joint Debtor

CERTIFICATE OF SERVICE

(Continuation Sheet #3)

Sun Loan #191
2768
101 W San Antonio St Ste
San Marcos, TX 78666

Swiss Colony
xxxxxxx884A
PO Box 2804
Monroe, WI 53566

Texas Loan Corporation
xxxx4978
715 W. Abram Street
Arlington, TX 76013

Time Warner Cable
xxx-xx-5952
PO Box 85100
Austin, TX 78708-5100

Wfcb / Blair Catalog
xxxxxxxxxxx0883
Po Box 182120
Columbus, OH 43218